

IDAHO BARBER AND COSMETOLOGY SERVICES LICENSING BOARD
Division of Occupational and Professional Licenses
P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 8/10/2020

BOARD MEMBERS PRESENT: Debra J Thompson - Chair
Merrilyn Cleland
Geneal Thompson
Thomas E Grimsman
Wendy S Rucker
Brian Porter
Lindy High

DIVISION STAFF: Dawn Hall, Section Chief
Julie Eavenson, Licensing Group Manager
Lori Peel, Investigative Unit Manager
Nicholas Krema, General Counsel
Rob McQuade, Legal Counsel
Eric Nelson, Board Prosecutor
Allegra Earl, Board Specialist

OTHERS PRESENT: Lou and Josh Starita, Paul Mitchell Boise and
Nampa
Kris Ellis and Lance Giles, Eiguren Ellis
Public Policy Firm
Martin Bilbao, Bilbao & Co.

The meeting was called to order at 8:05 AM MDT by Vice Chair Thomas Grimsman. Ms. D Thompson joined the meeting just after roll call.

EXECUTIVE SESSION

Mr. Grimsman made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to discuss documents relating to the fitness of a licensee to retain a license or registration. It was seconded by Ms. High. The vote was: Ms. D Thompson, aye; Mr. Grimsman, aye; Ms. Cleland, aye; Mr. Porter, aye; Ms. G. Thompson; Ms. High, aye; and Ms. Rucker, aye. Motion carried.

Ms. Rucker made a motion to come out of executive session. It was seconded by Ms. Cleland. Motion carried.

FOR BOARD DETERMINATION

Mr. Grimsman made a motion to approve the Bureau's recommendation and authorize closure in the following cases with an advisory letter: BCB-2020-40 and BCB-2020-41. It was seconded by Ms. Cleland. Motion carried.

DISCIPLINE

Mr. Nelson presented Stipulation and Consent Orders in case numbers: BCB-2020-58/61; BCB-2020-86/87; BCB-2020-99; BCB-2020-115; and BCB-2020-138/139. Ms. Rucker made a motion to approve the Consent Orders and allow the Board chair to sign on behalf of the Board. It was seconded by Ms. Cleland. Motion carried.

FINDING OF FACTS, CONCLUSIONS OF LAW AND FINAL ORDER

Mr. Nelson presented a Finding of Facts, Conclusions of Law and Final Order in case number BCB-2020-138/139. Mr. Grimsman made a motion to approve the Findings of Fact, Conclusions of Law and Final Order and authorize the Board chair to sign on behalf of the Board. It was seconded by Ms. G Thompson. Motion carried.

DISCIPLINE

Ms. Peel presented Settlement Orders in case numbers: BCB-2020-197/198; BCB-2020-204/207/208; BCB-2020-215; BCB-2020-217/218; BCB-2020-220; and BCB-2021-1/2. Mr. Grimsman made a motion to approve the Settlement Orders and allow the Board chair to sign on behalf of the Board. It was seconded by Mr. Porter. Motion carried.

DIVISION BUSINESS

NEGOTIATED RULEMAKING

Mr. McQuade presented the Board with a final draft of the rules as part of the draft changes. The Board discussed allowing schools to use distance learning for up to 50 percent of their curriculum, with the practical portion being done in the brick and mortar school.

Ms. Cleland made a motion to approve the rules as written, allowing grammatical, non-substantive edits, and to allow them to be published as proposed in a special edition of the Idaho Administrative Bulletin in September. It was seconded by Mr. Grimsman. Motion carried.

Mr. McQuade updated the Board on the status of the rules process. In February, the Board made a motion to move the rules to temporary in case they were not codified by the Legislature. The rules were not codified, so all the rules are temporary. The Division has received direction from the Governor's Office that we are again going to

go through the proposed and pending process so that the rules can be reviewed by the Legislature and codified. Mr. McQuade said that at the October or November meeting the Board will be asked to make a motion to move the rules to pending status to be reviewed by the Legislature.

Ms. Hall updated the Board on the move of the Division to the Chinden Campus. In September, the Division will be moving to a temporary space; the move to permanent quarters will take place in the spring or summer of 2021. She said that licensees would be notified regarding the move.

Ms. Thompson asked Mr. McQuade about the laws or rules regarding requiring capes. The Board discussed adding it to the inspection forms and revamping the inspection forms.

Ms. High made a motion to for a subcommittee to work with staff on the inspection forms, and for Board members Ms. D Thompson and Mr. Porter to serve on the subcommittee. It was seconded by Ms. Rucker. Motion carried.

Ms. Cleland asked about clarifying the verbiage for the military question on the applications, to state, "Are you or your spouse a current member of the United States Armed Services, Retired Military or honorably discharged veteran?" The Board asked Ms. Earl to work with other Division staff to update the applications.

BOARD CONTRACT

Mr. Crema reviewed the Board contract with the Board. Ms. Cleland made a motion to approve the Board contract and authorize the Board chair to sign it on behalf of the Board. It was seconded by Ms. Rucker. Motion carried.

BOARD BUSINESS

CONFERENCE UPDATE AND ATTENDANCE

Ms. Earl presented an email from the National Association of Barber Board of America (NABBA) letting the Board members know that the annual meeting will be virtual this year. The Board also reviewed the NABBA 2020 annual state report for accuracy. They had no changes to Idaho's information.

The Board also reviewed the tentative agenda information from the National Interstate Council of State Boards of Cosmetology. No action was taken.

EXECUTIVE SESSION

Ms. Cleland made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive

session was to consider documents relating to the fitness of an applicant to be granted a license or registration. It was seconded by Ms. High. The vote was: Ms. D Thompson, aye; Mr. Grimsman, aye; Ms. Cleland, aye; Mr. Porter, aye; Ms. G. Thompson; Ms. High, aye; and Ms. Rucker, aye. Motion carried.

Mr. Porter made a motion to come out of executive session. It was seconded by Ms. Rucker. Motion carried.

APPLICATIONS

Ms. Cleland made a motion to approve the following for licensure:

PAUL MITCHELL THE SCHOOL	
TWIN FALLS	CC-277553
DUARTE RAUL	B-271315
FERGUSON ALICIA	NT-277351
GAGGERO TAURUS LEANN	RC-276907
HOPKINS LATISHA MARIE	BRI-277675
MARTARANO AMANDA	MA-277371
NGUYEN THI TUYET LINH	NT-277547
NGUYEN THI ANH THU	NT-277673
PHAM LOAN MY VU	NT-277649
TORREZ MAYRA I	RC-277352
APPLICANT ID	901176282

It was seconded by Mr. Grimsman. Motion carried.

Ms. Cleland made a motion to table the following pending receipt of additional information and review by Board chair:

901098396

It was seconded by Mr. Grimsman. Motion carried.

Ms. Cleland made a motion to approve the following pending receipt of additional information:

901053508

It was seconded by Ms. High. Motion carried.

Ms. Cleland made a motion to approve the following pending receipt of additional information:

901081038

It was seconded by Ms. Rucker. Motion carried.

Ms. Cleland made a motion to approve the following pending receipt of additional information:

901063762
901061931
901176000

It was seconded by Mr. Grimsman. Motion carried.

Ms. Earl asked for clarification on the licensure qualification for applicant 901176282 from a previous motion. After further review of additional information, Ms. Cleland made a motion to rescind full approval and instead approve 901176282 pending additional information.

It was seconded by Ms. Rucker. Motion carried.

NEXT MEETING was scheduled for September 14, 2020 at 8:00 AM MDT.

ADJOURNMENT

Ms. Rucker made a motion to adjourn the meeting at 10:01 AM MDT. It was seconded by Mr. Porter. Motion carried.

Debra J Thompson, Chair